

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALTON BROWN,	:	CIVIL ACTION
	:	NO. 12-3578
Petitioner,	:	
	:	
v.	:	
	:	
PRISON HEALTH SERVICES, INC.,	:	
et al,	:	
	:	
Respondents.	:	

O R D E R

AND NOW, this **22nd** day of **April, 2013**, after careful review of Magistrate Judge Rueter's Report and Recommendation (ECF No. 31) and the objections thereto (ECF Nos. 33-34), it is hereby **ORDERED** as follows:

(1) The Report and Recommendation is **APPROVED** and **ADOPTED**;

(2) The parties' objections to the Report and Recommendation are **OVERRULED**;

(3) The Medical Defendants' Motion to Dismiss (ECF No. 3) is **DENIED without prejudice**;

(4) Plaintiff's Motions for a Temporary Restraining Order and Preliminary Injunction (ECF No. 29) are **DENIED as moot**;

(5) Plaintiff's Request for Extension of Time to File Amended Complaint (ECF No. 28) is **DENIED without prejudice**; and

(6) The matter is referred to Magistrate Judge Rueter for further proceedings to determine whether the case should be dismissed for lack of prosecution.¹

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

¹ In his Report and Recommendation, Magistrate Judge Rueter directed prison officials to perform a medical examination that would address Plaintiff's health issues, thus mooted Plaintiff's Motions for a Temporary Restraining Order and Preliminary Injunction and potentially resolving his claim under 42 U.S.C. § 1983 outright. See Rep. & Recommendation 4-5. But Plaintiff failed to appear at the examination. See Letter from Kathryn Kenyon, Counsel for Defendants, to Chambers of the Honorable Eduardo C. Robreno, Apr. 17, 2013.